



Euro-Mediterranean Foundation of Support to Human Rights Defenders

Policy to Protect from, Address and Prevent Sexual Harassment, Exploitation and Abuse

Adopted in November 2022

1. Policy Statement

The Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF) is committed to promoting respect for human rights and gender equality and justice. As such, it is committed to providing a safe environment for all its employees, interns, representatives and consultants free from discrimination on any ground and from harassment at work including sexual harassment. In accordance with the standards listed in the United Nations Secretary General's Bulletin entitled Special Measures for protection from sexual exploitation and sexual abuse, [ST/SGB/2003/13](#) of 9 October 2003, EMHRF will operate a zero-tolerance policy for any form of sexual harassment, exploitation and abuse (SHEA) in the workplace and in relationships with others, treat all incidents seriously and promptly review all allegations of sexual harassment, exploitation or abuse. EMHRF is also committed to promoting a culture of zero-tolerance for sexual harassment, exploitation or abuse among its partners and the beneficiaries of its grants. Therefore, it will seek to embed anti-harassment practices in its collaborations, partnership, and grant-making endeavours.¹

All complaints of sexual harassment, exploitation or abuse will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint. Any person found to have sexually harassed, exploited or abused another will face disciplinary action, up to and including dismissal. EMHRF also has a duty to provide appropriate assistance to any survivors of sexual harassment, exploitation or abuse by any individuals representing the Foundation.

2. Definition of Sexual Harassment, Exploitation and Abuse

Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Such conduct will also be considered sexual harassment when it interferes with work, is made a condition of employment, an employment benefit or any financial or non-financial benefit, or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident.

¹ The drafting of this policy took into consideration the experience and practices of the Foundation. It also drew from policies developed by other organisations including Oxfam, Frontline Defenders and the International Labour Organisation (ILO).

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. EMHRF recognises that the terms sexual abuse and exploitation represent a wide spectrum of behaviours and is not limited to the act of sexual intercourse.

Sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions, including forced marriage, sexual slavery and sexual activity with a child.

Sexual harassment, exploitation or abuse may occur between persons of the opposite or same sex or gender. Females, males, intersex, transgender or non-binary persons can be either the victims or the offenders.

All sexual harassment, exploitation or abuse is prohibited whether it takes place within EMHRF offices or outside, including at social events, business trips, bilateral or multilateral meetings, training sessions or conferences organised by EMHRF.

3. EMHRF's Guiding Principles on Protection Against Sexual Harassment, Exploitation and Abuse

EMHRF will ensure that:

- a. Concerns or allegations of abuse or neglect will always be taken seriously and will be reviewed by at least two designated staff members who will decide whether there is a basis to conduct a full investigation.
- b. EMHRF will seek to protect and safeguard all individuals we work with, including our staff and the beneficiaries of our support, by valuing, listening to and respecting them.
- c. All Board members, employees, interns, volunteers and other representatives have access to, and are familiar with, this policy and will know their responsibilities.
- d. All people working with and for EMHRF will receive training in relation to this policy.
- e. All Board members, staff, consultants, interns, and volunteers will have access to information about how to report concerns or allegations of abuse.
- f. EMHRF will not knowingly appoint Board members or recruit staff, consultants, interns, volunteers, or other representatives whose behaviour may pose a known risk to the safety or wellbeing of individuals.
- g. EMHRF management is responsible for promoting awareness of this policy within the team.

Given the nature of its activities and the challenges or difficulties some of its partners and beneficiaries face and in some cases their vulnerability, EMHRF will exercise particular vigilance to ensure that the engagement and collaboration of its staff with partners, beneficiaries and grantees remain free from discrimination on any ground and from all forms of sexual harassment, exploitation or abuse.

EMHRF will use its grant-making, mentoring endeavours and tailored coaching activities as an opportunity to promote accountability and zero-tolerance for sexual harassment, exploitation and abuse among its partners and grantees.

4. Accountability and Complaint Procedure

Anyone who is subject to SHEA should, if possible, inform the alleged harasser or abuser that the conduct is unwanted and unwelcome. However, EMHRF recognises that SHEA may frequently occur in unequal

relationships (i.e. between a supervisor and his/her/their employee) or may be accompanied by coercion, and that it may not be possible for the victim to inform the alleged harasser or abuser. If a victim cannot directly approach an alleged harasser/abuser, he/she/they can approach one of the two designated staff members, the Protection from SHEA Focal Points (See Article 6), responsible for receiving SHEA complaints.

When a Protection from SHEA Focal Point receives a complaint of sexual harassment, he/she/they will:

- immediately record the dates, times, and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she/they wants
- ensure that the victim understands the EMHRF's procedures for dealing with the complaint
- discuss and agree on the next steps: either formal or informal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she/they is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that he/she/they can lodge a complaint outside of the Foundation through the relevant competent authorities and according to the applicable legislation including pursuing criminal justice avenues.

Throughout the complaint procedure, a victim is entitled to be helped by a counsellor of her, his, their choice within the Foundation's staff, Board or an external person of confidence. EMHRF recognises that because SHEA often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. EMHRF understands the need to support victims in making complaints.

a) Informal complaint mechanism

In cases of minor harassment incidents, the victim may wish to deal with the matter informally. In this case, the Protection from SHEA Focal Points will:

- give an opportunity to the alleged harasser to respond to the complaint
- ensure that the alleged harasser understands the complaint mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the Foundation (staff or Board member) to resolve the matter
- ensure that a confidential record is kept of what happens
- follow up after the outcome of the complaint mechanism to ensure that the behaviour has stopped
- when necessary, swiftly adopt provisional measures to protect the complainant until the procedure is completed
- ensure that the above is done speedily and within 14 days of the complaint being made

b) Formal complaints mechanism

If the victim chooses to make a formal complaint, or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter. The Protection from SHEA Focal Point who initially received the complaint will refer the matter to the Board to instigate a formal investigation. The Protection from SHEA Focal Points shall always initiate a formal procedure in cases of exploitation, abuse, and serious harassment incidents.

If the Protection from SHEA Focal Point who initially received the complaint abstains from referring the case to the Board, the victim may ask the second SHEA Focal Point to do so. If he/she/they decline to refer the case, the victim may then alert the Board through one of its members.

Upon receiving a referral from the Protection from SHEA Focal Points, the Board shall appoint at least two of its members as investigators. The Board may also decide to appoint external investigators when appropriate.

Those carrying the investigation will:

- separately interview the victim and the alleged harasser
- interview other relevant third parties individually
- when necessary, swiftly adopt provisional measure to protect the victim until the investigation is completed
- decide whether the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings, and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e. an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, disciplinary measures, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, they may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event within 6 weeks of the referral being made

c) Outside complaints mechanisms

A person who has been subject to sexual harassment can also at any time and regardless of the outcome of any internal procedure make a complaint outside of the Foundation in accordance with local legislation. If the SHEA occurrence constitutes or is likely to constitute a criminal offense, the Board and/or the management will always inform official competent authorities after discussing the matter with the victim.

5. Embedding Protection Against SHEA in EMHRF's work

a) Recruitment

In compliance with applicable laws, EMHRF is committed to preventing perpetrators of SHEA from being (re)hired. The management and human resource staff will ensure robust recruitment screening processes for all personnel, including employees, volunteers, consultants, and other representatives. As part of these, all interviews and references must address the issue.

b) Partnership/Grant Agreements

EMHRF will ensure that, when engaging in partnerships or grant agreements, these agreements (1) include the appropriate language requiring partners/ grantees to have or adopt a policy to protect their employees and beneficiaries from SHEA, hold perpetrators of SHEA accountable and prevent their recurrence,² and (2) expressly state that the failure of partners/ grantees to seriously and fully investigate and, when relevant, report SHEA allegations, to hold those responsible for SHEA accountable and take the necessary corrective actions when SHEA has occurred, to protect the rights of SHEA victims, or to take the necessary preventive measures against SHEA, shall all constitute grounds for EMHRF to terminate such agreements.³

When examining grant requests or during the grant period and reporting phases, the Board and the staff of EMHRF will request that applicants/grantees submit for review their internal policies, including their own policy to protect from, address and prevent SHEA.

A reference to EMHRF policy will also be incorporated in or annexed to the grant agreements.

EMHRF is not responsible for investigating SHEA cases occurring within partner organisations, unless one of its own staff or representatives has been involved. Nonetheless, it will maintain a record of harassment cases and their follow-up in an internal confidential database. In addition, grantees that fail to seriously address SHEA occurrences will be registered in EMHRF confidential list of problematic cases.

c) Grantees' complaint mechanism

Any individual grantee or the employee or representative of an institutional grantee who suffered during the grant-making, implementation or reporting processes SHEA committed by an EMHRF staff or representative can file a complaint in accordance with EMHRF External Complaint Reporting Mechanism. The treatment of such complaint will follow *mutatis mutandis* the same procedure applied to internal complaints and described under Article 4.

d) Staff training

EMHRF personnel must receive as part of their induction training on protection against SHEA and the implementation of the present policy. In addition, internal trainings will be periodically organised during staff retreat.

² The general provisions of the grant agreements include: "The Parties undertake to prevent and combat all forms of discrimination, violence, and sexual harassment, exploitation, or abuse in accordance with the standards of the United Nations Secretary General's Bulletin entitled Special Measures for protection from sexual exploitation and sexual abuse, [ST/SGB/2003/13](#) of 9 October 2003. It is specified that [name of NGO] undertakes to adopt, if it has not already done so, a policy incorporating the necessary reporting and monitoring mechanisms to prevent and respond to allegations and incidents of sexual harassment, exploitation, or abuse. It further undertakes to conduct serious and complete investigations into acts of violence and sexual harassment, exploitation or abuse concerning its association, to inform the EMHRF and, when relevant, to report allegations to the competent authorities, to hold the perpetrators accountable and to take the necessary measures to protect the rights of the victims and to prevent violence and sexual harassment, exploitation, or abuse."

³ The general provisions of the grant agreements further state: "If EMHRF establishes that these terms, including those aimed at preventing and combating all forms of discrimination, violence, and sexual harassment, exploitation, or abuse (SHEA), have been violated, the present contract may be terminated by EMHRF in accordance with Article 4 of EMHRF General Funding Principles (Appendix 2) and potential civil and/or criminal action may be initiated by EMHRF."

6. Roles and Responsibilities

- a) **Board:** EMHRF's Board holds overall responsibility for this policy and its implementation.
- b) **All EMHRF Board members, employees, interns, and consultants:** Everyone who works on behalf of EMHRF is required to report any suspicions or incidences of SHEA committed by others. Failure to report to the Protection from SHEA Focal Points suspicion of SHEA relating to someone else is a breach of EMHRF's policy and could lead to disciplinary action being taken against staff members. There is no obligation for an individual to report any incident that has happened to them.
- c) **Protection from SHEA Focal Points:** EMHRF's two Protection from SHEA Focal Points will be appointed on a biannual basis by the Board based on a recommendation by senior management. Those appointed may be a director or a member of the programme or finance/human resources departments. They provide support to prevent and respond to SHEA alongside their substantive roles. They receive SHEA complaints as stated in Article 4. They participate in raising awareness efforts and promoting best practices by receiving staff concerns, supporting survivors and reporting concerns in a confidential manner to the Board.
- d) **Management:** The management is responsible for promoting awareness of this policy with people they manage and for supporting systems that create and maintain a safe working environment. This also includes the responsibility for ensuring that all staff receive training.
- e) **Programme Team:** Consult with partners, grantees, and beneficiaries (in a safe, accessible, and culturally appropriate way) to ensure that they are familiar with EMHRF's present policy.